



The Salisbury Planning Board held its regular meeting Tuesday, May 27, 2008, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Dr. Mark Beymer, Maggie Blackwell, Robert Cockerl, Tommy Hairston, Richard Huffman, Craig Neuhardt, Valerie Stewart, Albert Stout, and Diane Young.

ABSENT: Karen Alexander and Jeff Smith

STAFF: Preston Mitchell, Diana Moghrabi and David Phillips

This meeting was digitally recorded for Access 16. Mark Wineka of the *Salisbury Post* was present.

Dr. Mark Beymer, Chair, called the meeting to order and offered an invocation. The minutes of the April 8 and April 22, 2008, meetings were approved as submitted. The Planning Board adopted the agenda as submitted.

NEW BUSINESS

A. Special Use Permit

- (a) Swear in persons testifying at public hearing
- (b) Public Hearing
 - (i) Receive testimony from staff
 - (ii) Receive testimony from public
- (c) Declare 'Findings of Fact'
- (d) Recommendation

SUP-02-08 House of Hope Re-entry program
730 South Ellis Street
Tax Map-015, Parcel-026

This request is for the establishment and operation of a group care facility in UR zoning. The House of Hope Re-entry program is a pre and post release (from prison) transitional program.

All who planned to speak at the courtesy hearing were sworn in. This is a quasi-judicial process. Evidence will need to be given to support (or not support) the standards in the code. A decision must be made based on evidence and facts and not solely from opinion. David Phillips made a staff presentation.

Property owners within 100 feet of the site have been notified. Proper notices have been posted.

The following should be noted in the TAKING OF EVIDENCE leading to the FINDING OF FACTS:

1. That the applicant, Westside Community Foundation, Inc., 719 South Caldwell Street, Salisbury, has applied for a Special Use Permit to establish a Group Care Facility to be located at 730 South Ellis Street.
2. The property in question may be identified as Parcel 026 as found on Rowan County Tax Map 015.
3. The property is currently zoned Urban Residential-12 (UR-12).
4. That the UR district allows the use of a Group Care Facility with the issuance of a Special Use Permit.
5. The definition of a Group Care Facility as defined in Chapter 18 Definitions-Use Definitions is as follows:

Group Care Facilities: A facility that provides resident services to more than six individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, [or] are undergoing rehabilitation, and are provided services to meet their needs. This category includes uses licensed or supervised by any federal, state, or county health/welfare agency, such as group dwellings (all ages), halfway houses, nursing homes, resident schools, resident facilities, and foster or boarding homes.

6. As per Section 3.3 Additional Standards Per Use subsection P requires the additional conditions be met:

P. Group Care Facility (More than six residents) – For all districts

1. Any structure used for such facility in the UR or RMX district shall maintain an appearance of a residence which is compatible with the surrounding neighborhood.
 2. These facilities shall be developed and maintained in accordance with all current and applicable provisions of the NC Department of Health and Human Services.
7. The structure to be used is an existing house. No changes to the residence have been discussed.

8. A copy of the State permit will be required to be on file with the City of Salisbury to verify approval and compliance with the Department of Health and Human Services requirements.
9. The Salisbury Planning Board is to hold a hearing regarding the Special Use Permit.
10. The evaluation and approval of the Special Use Permit shall be governed by quasi-judicial proceedings, which are based upon the sworn testimony and evidence presented at the hearing relevant to the following standards:
 - a. The use meets all required principles and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
 - b. The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area; and
 - c. The public health, safety, and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed.
11. The Planning Board must find that all conditions have been met based on findings of fact presented.
12. In recommending an application for a Special Use Permit, the Salisbury Planning Board may recommend fair, reasonable, and appropriate conditions on the location, nature and extent of the proposed use.
13. The recommendation of the Salisbury Planning Board will be referred to the Salisbury City Council.

This service is to help individuals successfully re-integrate into society after incarceration and remain law-abiding citizens. The project will serve up to a total of 16 males, ages 21–45 over a 12-month period. The program projects to have not more than eight residents in the house at one time.

If the application is approved, the Special Use permit that is established and all conditions which may have been attached to the approval are binding on the property.

Norde Wilson asked, “What is the plan for the property?” Would there be a limit on the type of crime the individuals had committed? (The neighborhood voiced a fear of sex offenders and those accused of violent crimes.)

Those speaking in opposition

Brenda McNeeley, 614 S. Ellis Street, had concerns because “we already have enough problems in our neighborhood.” Outsiders bring their baggage with them. Sirens are

heard in the neighborhood at all times of the night. Drugs are prevalent in the neighborhood. There has been a murder across the street from her. She would like her grandchildren to play outside without fear or worry for their safety.

Everyone has a right to rehabilitation, but why would you want to put a [rehabilitation] home like this in an already troubled neighborhood?

Eva Gatewood lives at 731 S. Ellis Street, which is directly across the street from the petition property. She is afraid to allow her three small children outside to play. She is afraid to walk Ellis Street. The fear will only increase.

There are already sexual offenders in the area. They have a gang issue at the nearby high school. To know that there are people capable of significant crimes across the street is alarming.

She added that she is a victim of child molestation; that is something you carry a lifetime. It has affected all of her relationships. Why subject other children to this?

Jeff Virts, 626 South Ellis Street, also had concerns about safety on Ellis Street. There are a lot of problems with drug dealers in the area. He has been threatened. He feels the law does not do anything. This rehabilitation effort would only escalate the problem. He has concerns for his three children, too.

Shunna Caldwell, 717 S. Ellis Street, has a son suffering from anxiety due to a break-in of their home. She described the event. She had to have an alarm system installed so she can sleep. She made an emotional plea to find another location for this home.

Donald Moore, Sr., 602 Craig Street, has concerns for the safety of his three young children. They like to walk and enjoy the track at the high school. They have witnessed a lot of problems in the area. Houses have been shot up, purses have been snatched, and there is a presence of gang violence. It is a bad idea to add to the current problems in the area.

Norde and Kay Wilson, 501 Maupin Avenue, own a lot of the properties in the neighborhood. They have worked to acquire these properties over a period of 30 years. They strive to keep homes well kept and maintained. He described their efforts to rid the area of drug dealers.

This is probably a feel-good thing to do, but in reality, 50 percent of these people will be back in jail within a year's time. He does not want them to be jailed because of something they did in this area—particularly with children. A child molester is not a recovered individual when he comes out of jail. Put it on the edge of town out of the neighborhood climate. This will destroy their rental business. Decent people will not come to live there.

Mrs. Wilson added that they restrict their tenants from having parties and yard sales in order to avoid bringing strangers into the neighborhood. They are doing all they can to keep the neighborhood safe. Please do not make their job any more difficult.

Those speaking in favor

Reverend Clary L. Phelps is the Pastor of Gethsemane Missionary Baptist Church which is adjacent to this property at 719 S. Caldwell Street. He represents the Westside Community Foundation, Inc. – an outgrowth of the church. Mr. Phelps believes the proximity to the church is key to the success of the program and training.

The idea of the House of Hope [501 (c) (3)] re-entry program for male ex-offenders is a mission effort to help redeem and rehabilitate individuals who will not be free from incarceration. They hope to serve two groups of eight men in a year's time. The individuals are coming back into society. Wherever they go—they are coming back into society.

The House of Hope wants to give these men an opportunity to make corrections in their lives. They have lost a great deal and have spent their time (in jail). They should not be viewed as thugs or criminals because they have paid their debt to society. They should each be treated as a citizen. They deserve to work, own a home, and be with their families. If we cast them out, we are asking for more drug activity and crime. Someone has to help them.

The Westside Community Foundation, Inc. will be interviewing potential residents in a pre-release session planned for them. Several months before they are released they will approach the prison system and find out about the potential residents. There will be no sex offenders living in the house.

This would be the first time the organization has attempted this program. They are working with the Governor's Crime Commission. They have been awarded \$245,000 for the program. Funding is from September 2008 through August 2009.

The church will provide job skills and an opportunity to get their GED so the residents can be employable. There will be a full time staff on the premises at all times. They plan to hire licensed counselors and caseworkers—preferably with a master's degree. There will be random drug testing. Reverend Phelps listed a host of other services the home will provide. Parking will be available at the church parking lot.

Board discussion

Diane Young confirmed that a special use permit runs with the property and not necessarily given to the Westside Community Foundation for their program. If there is no change of intent in the process, staff can approve a continued SUP to others. If a use does not meet the same intent or does not meet any of the conditions set forth, it does have to come before the process to continue.

Valarie Stewart had concerns about the environment where they plan to put this facility. She asked if there was a program to work with Salisbury Police Department and the neighborhood. Ms. Stewart would like to hear from a Police Department representative. This location might undermine the effort. She did not feel the Planning Board had sufficient information to make a recommendation to City Council. She would like the neighborhood to understand the screening criteria and to see it in writing. There are numerous unanswered questions.

Robert Cockerl addressed the public concern for health, safety and welfare. What guidelines would be used to protect the public? This is a subject for further discussion.

Craig Neuhardt said, "For all the nights we sit here and talk about sidewalks and decorative fencing...in the long run it is decisions like these that will have more to do with the quality of life in Salisbury than a sign ordinance ever will." The solution is not social service by Planning Board. He agreed that Planning Board did not have a set of fair and reasonable conditions; that would be much better coming from the community.

Maggie Blackwell suggested that Reverend Phelps provide some sort of business plan for everyone to view.

Board members expressed their appreciation for the project; this is a good idea, but is this neighborhood the best location. This is a classic NIMBY—"Not in my back yard."

Valarie Stewart made a MOTION to send SUP-02-08 to committee for further study so that Planning Board can receive more detailed information as it relates to public health, safety and welfare stating the following FINDING OF FACTS FOR SUP-02-08:

- (a) We do not know if the proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area; and
- (b) Does the proposed use meet all required principles and specifications of the Ordinance and all adopted land use plans and is in harmony with the general purpose and intent and preserves the spirit of the neighborhood; and
- (c) Planning Board does not have sufficient information to state that the public health, safety, and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed.

Albert Stout seconded the motion with all members voting AYE. (9-0)

Planning Board Committee 2 (Albert Stout-Chair, Valarie Stewart, Craig Neuhardt, and Robert Cockerl) will meet at 5:00 p.m., Thursday, June 5, 2008, at One Water Street for further study on this issue. The committee has requested representation from the neighborhood, Salisbury Police Department, and Salisbury High School. This matter will be on the June 10, 2008 Planning Board agenda.

COMMITTEES

Committee 1: Western Gateway Area Plan (official name to be determined)—Mark Beymer, Chair, Jeff Smith, Robert Cockerl, and Maggie Blackwell. The committee first met March 12, 2008. They will reconvene Tuesday, June 3, 2008, at noon at City Hall, in the second floor conference room.

Staff provided an area image update and report in the agenda package.

Before an area plan can be adopted, the City must adopt a document called "The Land Use Policy Application." This would apply to all future area plans. The Land Development Ordinance has 17 districts with definitions. Staff explained that the Land Use Policy Application will be similar (but broader) and defines which zoning classifications would be appropriate in future land use areas. Because the western gateway plan will have a future land use component in the plan, it is important that the City have in place definitions of those future land uses.

A motion was made and approved to move past six o'clock.

Staff requested that the "I-85/29 plan be moved "to the back." All agreed. The Town Creek Interceptor Project is presently on hold. There has been a great deal of developer interest in the Faith Road area.

Committee 3: Diane Young—Chair, Karen Alexander, Tommy Hairston, and Richard Huffman. This committee will meet Friday, June 13, 2008 at 7:30 a.m., in the second floor conference room at City Hall. Staff will provide breakfast. This meeting will be for discussion about the Faith Road/ Jake Alexander Boulevard/ Stokes Ferry Road Triangle.

OTHER BOARD BUSINESS

Staff: Preston Mitchell updated the Planning Board on LDOTA-02-08—Part A and B have been approved and the issue of the temporary uses remains. Staff will continue to rebuild that section of the code and propose to bring it to Planning Board in July.

The next Planning Board meeting will be June 10, 2008.

There being no further business to come before the Planning Board, the meeting was adjourned at 6:21 p.m.

Dr. Mark Beymer, Chair



Diane Young, Vice Chair

Jeff Smith, Vice Chair



Secretary, Diana Moghrabi